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Name of Registered Representative:

John C. Freeman
John C. Freeman, Registration No. 34,483
August 7, 2003
Date of Signature

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AUG 11 2003

OFFICE OF PETITIONS

Attorney Docket No. 10580/3-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BERNARD BENDINER

Serial No.: 09/336,612

Filing Date: June 18, 1999

For: SORBIC ACID AND/OR ITS
DERIVATIVES SUCH AS
POTASSIUM SORBATE AS A
PREVENTATIVE FOR RUST,
CORROSION AND SCALE ON
METAL

Examiner: LaToya I. Cross

Group Art Unit No. 1743

PETITION UNDER 37 C.F.R. § 1.313(c)
FOR WITHDRAWAL OF APPLICATION FROM ISSUE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Attention: Office of Petitions
Crystal Plaza 4,
Room 3C23

08/11/2003 AKELLEY 00000033 09336612

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Dear Sir:

130.00 OP

On June 25, 2003, your Petitioner filed the Issue Fee due for the above-identified


application. In July of 2003, your Petitioner became aware that the specification and the claims of the above-identified application contained inadvertent errors that were relied on for patentability of the claims allowed. In particular, page 3, lines 21 and 24 of Petitioner's Specification refer to the PS solution of the invention having "reduced" or "lower" conductivity than tap water. Page 7, lines 17 and 22 and lines 7 and 10 of the Abstract at page 15 of Petitioner's Specification make similar statements. Furthermore, allowed claims 1 and 2 each recite "providing a solution that has a lower electrical conductivity . . . than tap water." These statements contradict the table at page 7 which clearly shows the solution of the invention has a higher electrical conductivity than tap water. This contradiction was further present in Petitioner's remarks regarding Amendments filed on April 2 and July 25, 2001. In view of the apparent inadvertent errors made in the Specification and the claims and the possibility that the claims were granted based on such inadvertent errors, your Petitioner is filing the present Petition to withdraw the above-mentioned application from Issuance. In addition, your Petitioner is filing concurrently with the present paper a Request for Continued Examination of the above-mentioned application along with an Amendment that corrects the inadvertent errors mentioned previously on the condition that the present Petition is granted.

Your Petitioner prays that the present Petition is granted so that any patent issued regarding the subject matter claimed in the above-mentioned application will have been the result of examining the claims based on the higher electrical conductivity of the claimed invention when compared to tap water.

For the above reasons, your Petitioner requests that the above-mentioned application be withdrawn from issuance under 37 C.F.R. § 1.313(b). Your Petitioner is including the required

petition fee of \$130.00 as set forth under 37 C.F.R. § 1.17(i).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Freeman", is written over a horizontal line.

John C. Freeman
Registration No. 34,483
Attorney for Petitioner

BRINKS HOFER
GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

Dated: August 7, 2003